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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,748	01/23/2002	Mark D. Prokosch	A-7645.RTN/1at	3258

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EXAMINER

MAI, TRI M

ART UNIT

PAPER NUMBER

3727

5

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/052,748

Applicant(s)

PROKOSCH ET AL.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tear strip in claims 10 and 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10, 15, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether applicant means --tear line-- instead of "tear strip" in these claims. Fig 4 seems to indicate that panel 71 is connected to panel 73 via a tear line, not a tear strip, which requires a complete removable strip from both the sidewall and the cover. Correction is requested.

Claim Rejections - 35 USC § 102/103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Pollock

(6070719). Pollock teaches a blank having an inner back panel 32, a first side panel 12, a front panel 46, a second side panel 58, an outer back panel 62, a connector panel 76, and a cover panel 82 as shown in Fig. 9.

Regarding claim 2, note the divider panels 36 and 40, and 44.

Regarding claim 3, note the divider panels bounded by cut lines.

Regarding claim 5, note that panel 30 can be the inner back panel.

6. Claims 12, 13, 16, 17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolding (2866588). Bolding teaches a container with a front panel 54, a first and second side panels 55 and 53, an inner back panel 56, and an outer back panel 52.

Regarding claim 16, note the divider 57.

Regarding claim 17, note at the dispensing opening 61.

7. Claims 14, and 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolding in view of Pardee (2595202). Bolding meets all claimed limitations except for the shelf. Pardee teaches that it is known in the art to provide a shelf 34 foldably connected to the bottom

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of the dispensing opening. It would have been obvious to one of ordinary skill in the art to provide a dispensing opening of Pardee in Bolding to provide an alternative dispensing device.

Regarding claim 19, note at the notch 35 on the back panel of Pardee.

8. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolding in view of Rutledge (3062430). Bolding meets all claimed limitations except for the connector panel and the cover panel. Rutledge teaches that it is known in the art to provide a connector panel 28, and a cover panel 30. It would have been obvious to one of ordinary skill in the art provide the connector panel and a cover panel connected to the outer back panel 52 in Bolding as taught by Rutledge to provide a coupon.

9. Claims 1-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolding in view of either Rutledge (3062430) or Forbes, Jr. (4108350). Bolding teaches an inner back panel 56, a first side panel 55, a front panel 54, a second side panel 53, and an outer back panel 52. Bolding meets all claimed limitations except for the connector panel and a cover panel. Rutledge teaches that it is known in the art to provide a connector panel 28, and a cover panel 30. Forbes, Jr. teaches that it is known in the art to provide a connector panel 26 and a cover panel 28. It would have been obvious to one of ordinary skill in the art to provide a connector panel and a cover panel in Bolding as taught by either Rutledge or Forbes, Jr. to provide a removable coupon.

Regarding claim 2, portions 57-59 are the divider panels.

Regarding claim 8, the holes 65 and 66 are the notches.

10. Claims 10, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Bolding rejections as set forth in paragraphs 8 and 9, and further in view of Champlin (3214075).

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It would have been obvious to one of ordinary skill in the art to provide a tear strip 27 of Champlin in the Bolding rejections to provide alternative means for separating the coupon.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3579 for regular communications and (703)305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Tri M. Mai 
Primary Examiner
Art Unit 3727

May 15, 2003